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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,268	11/02/2001	Arnold M. Shulman	RELIANT 3.0-002	3869

7590

06/04/2004

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EXAMINER

SINGH ARTIR

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,268

Applicant(s)

SHULMAN ET AL

Examiner

Ms. Arti Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-048)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/07/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Election/Restrictions***

1. The Examiner has carefully considered Applicant's election and accompanying remarks filed on 03/08/04. Applicant's reelection of Group II claims 19-23 with traverse is acknowledged. Applicant's traversal is on the grounds that the search for Group set of claims would not be, claims 1-18 would not burdensome and that they should be examined with the current claims, and has further cited MPEP § 803. To this the Examiner contends that the restriction was placed on the application as originally presented because the Examiner felt that if allowable the application could hold two separate patents as the subject matter of article and method of making an article are two distinct and separate inventions. Additionally, the search for the method would be quite burdensome along with a technology area that the Examiner herself is not technically a "skilled artisan" and thus a thorough examination would not be done fairly. The method claims would have a different classification along with a different search area. In lieu of the Examiner's rebuttal Applicant's traversal on the grounds of restriction is not found to be persuasive, and thus the requirement is still deemed proper and is therefore made FINAL. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Specification

2. The abstract of the disclosure is objected to because please amend the abstract to reflect the current invention of prosecution, that being a coated fabric. Correction is required. See MPEP § 608.01(b).

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3. The disclosure is objected to because of the following informalities: please amend the title to reflect the current invention of prosecution, that being a coated fabric. Appropriate correction is required.

Drawings

4. The second set of corrected drawings, sent in on 03/04/02 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include any of the reference signs mentioned in the description: Correction is required.

Claim Rejections -35 USC § 112

5. The following is a quotation of the second paragraph of 35 USC 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which Applicant regards as his invention.

6. Claim 20 appears to be grammatically awkward or either incorrectly claimed Markush language. At present Applicant's claim states "polymeric material selected from the group consisting of polyvinyl chloride, urethane or a polyvinyl-urethane blend in proportions ranging from 5% to 95% PVC to 95% to 5% urethane. Please clarify as to what the actual listing is, do you mean to say any one of the three that is the first group being PVC, the second grouping being urethane and third being the blend of the two with specific percentage compositions?

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the

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United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 19, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6030669 issued to Fascio.

USPN 6030669 issued to Fascio teaches decorative bows formed from a laminated substrate (abstract) for indoor and outdoor use that is waterproof, durable and reusable (column 1, lines 26-29). The laminated substrate comprises one or more layers of laminated film whereby printed material is adapted so that the print is visible on both sides of the substrate. The printed material is preferably selected from the group consisting of paper, cardboard, fabric, vinyl, plastic or film (column 2, lines 30-35). In column 3, patentee discloses the use of an adhesive which is applied to the laminate passed through heated nipped rolls which along with other post processing steps, dewrinkles, compresses and cures the final composite, thereby penetrating the interstices of the fabric or paper or whatever substrate has been chosen. It should be noted that the Examiner is equating the adhesive layer as the polymeric material that Applicant desires in claim 19. Therefore, Fascio et al teach the possibility of a fabric coated with a polymeric material which penetrates into the

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interstices to form a coating on a surface, and said composite may be formed into a ribbon and or bow.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 20 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6030669 issued to Fascio.

Fascio teach what is stated above but do not explicitly teach the specific fiber that are used in the paper or fabric nor do they teach their adhesive or polymeric layer to be PVC or urethane or a combination of the two.

With regard to the use of natural or synthetic fibers the Examiner takes the stance that all fabrics are made from either synthetic or natural fibers and using any well known and widely used fiber of choice would only involve routine skill in the art. Motivation to do this would be to use what is readily available on hand, or depending on the intended use of the product the factors of strength and durability could also determine what fibers were chosen.

With regard to the limitation of choosing the polymeric material, in this case the adhesive layer to be PVC, urethane or a combination of both the Examiner takes the stance that both of these are commonly known and well used thermoplastics which are also used as adhesives, and a skilled artisan would have found it obvious at the time the invention was made to have employed a pvc pr urethane as the adhesive in the invention of Fascio, motivated by the reasoned expectation of using what is readily available, or by the mere fact

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that it is cheaper and are also art recognized equivalents and a selection of any of these known equivalents would only involve routine skill in the art.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5271984 issued to Johnson et al. USPN 4826712 issued to Theno, USPN 4713267 issued to Truskolaski et al. and USPN 4634612 could have all been used to reject the currently pending claims however the above said rejections are sufficient, and rejecting the claims with all four references would be redundant.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on M-F 9-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ms. Arti Singh
Primary Examiner
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Ars 05/29/04